

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DANIEL S. PORTER,

v.

GARRETT, et al.,

Petitioner,

Respondents.

Case No. 3:22-cv-00089-RCJ-CLB

ORDER

Daniel S. Porter has submitted a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254 (ECF No. 1-1). He has not, however, either paid the \$5.00 filing fee or submitted a completed application to proceed *in forma pauperis* with the required inmate account statements for the past sixth months and financial certificate. 28 U.S.C. § 1915(a)(2); Local Rule LSR1-2.

This action therefore is subject to dismissal without prejudice as improperly commenced. However, it is unclear from the papers presented whether a dismissal without prejudice will materially affect a later analysis of any timeliness issue with respect to a new action.

IT IS THEREFORE ORDERED that within **30 days** of the date of this order petitioner must submit either the \$5.00 filing fee or a fully completed application to proceed *in forma pauperis*.

IT IS FURTHER ORDERED that failure to do so may result in the dismissal of this action without prejudice.

IT IS FURTHER ORDERED that the Clerk of Court retain the petition but not file it at this time.

DATED: 8 March 2022.

**ROBERT C. JONES
UNITED STATES DISTRICT JUDGE**